

EXHIBIT 21

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Ali Saleh Kahlah Almarri,

Plaintiff,

v.

Robert M. Gates, Secretary
of Defense, et al.,

Defendants,

C/A No. 2:05-cv-2259-HFF-RSC

CERTIFICATION OF ANDREW J. SAVAGE, III

I, ANDREW J. SAVAGE, III, ESQ., an attorney duly admitted to practice before the courts of the State of South Carolina, hereby certify as follows:

1. I am a partner at the law firm of Savage & Savage, P.A., attorneys for Plaintiff Ali Saleh Kahlah Almarri.
2. Our Firm has represented Mr. Almarri since July 2004. Since then, I have had the opportunity to meet with Mr. Almarri on average once every six weeks.
3. Mr. Almarri has been confined in isolation in the Special Housing Unit (SHU) in the Naval Consolidated Brig in Charleston, South Carolina ("the Brig"), since he was declared an "enemy combatant" on June 23, 2003.
4. This certification is based on statements made to me by Mr. Almarri and on my observations of Mr. Almarri since October 14, 2004, when he was first allowed access to counsel at the Brig.
5. Mr. Almarri, through counsel, has previously and repeatedly requested documents, records, and recordings pertaining to his detention and confinement at the Brig. But to date, the government has ignored or refused those requests.

Conditions in the SHU Prior to August 2005

6. From June 23, 2003, until October 14, 2004, Mr. Almarri was held completely *incommunicado* at the Brig. He was denied all access to the outside world, including to his attorneys who had been representing him in his criminal proceeding, his family, and to the International Committee for the Red Cross ("ICRC").
7. During this 16 month period, Mr. Almarri had virtually no human contact except during interrogations, in which he was threatened and abused, and very brief interactions with

military personnel when they delivered trays of food through a slot in his cell door or when they escorted him to the shower or to a concrete cage for "recreation." Military personnel had duct tape over their names and did not speak to Mr. Almarri except to give him orders.

8. Prior to August 2005, Mr. Almarri was confined to a 9 by 6 foot cell, and was not permitted outside the SHU or given regular opportunity for physical exercise.
9. When Mr. Almarri was allowed opportunity for exercise outside, it took place in an outdoor cage (approximately 40 square feet in area). When the exercise was inside, Mr. Almarri was kept in hand and leg irons. Mr. Almarri remained alone for the entire time, whether the exercise was outdoors or indoors.
10. When Mr. Almarri was deemed "noncompliant," he was confined in his cell for 24 hours a day, seven days a week, and denied any opportunity to exercise or shower. On several occasions, Mr. Almarri was confined to his cell for long periods of time without recreation or shower.
11. The single window in Mr. Almarri's cell was painted with a dark color so that he was unable to see the outside world or perceive the time of day.
12. Mr. Almarri had no control of the lighting in his cell, and fluorescent lights remained on in his cell from 5:00 AM until 10:00 PM every day.
13. Mr. Almarri's cell contained only a sink, toilet, and a hard, concrete-like bed affixed to the wall. There was no chair, no desk, no table and no pillow or any other soft item inside his cell. He was given only a thin blanket which only partially covered his body.
14. For more than two years, Mr. Almarri was not provided with a mattress in his cell. The bed on which he was forced to sleep had a hard and irregular surface, causing him discomfort and pain whenever he lay on it.
15. After two years, Mr. Almarri was given a thin mattress at night from 10 PM to 5 AM after doctors had recommended it. But the mattress was removed at all other times.
16. Mr. Almarri was denied socks or any footwear for months at a time, including during the winter, forcing him to spend as long as over 20 days in his bed because the floor in his cell was too cold to step or stand on without socks or shoes. Mr. Almarri described the tremendous coldness if he tried to stand or walk and how scared it made him feel to be confined all day and night to his bed, lying under a thin and stiff "suicide blanket."
17. Following his incarceration at the Brig, Mr. Almarri began to experience persistent tingling pain in his leg, neck, and other parts of his body. Although doctors said Mr. Almarri should be given a foam mattress, a cushioned chair, and a table (to lean on when sitting), those items were not provided to him.

18. Mr. Almarri was denied all books, news, magazines, TV, and radio. He had no physical, social, and temporal reference points, and often went days without ever seeing the light of day. He described how hopeless it made it him feel to be so isolated and cut off from the entire world.
19. Mr. Almarri's observance of Islam was severely restricted and degraded. Mr. Almarri's copy of the Quran was periodically removed as part of interrogations and was debased by guards who deliberately threw it on the floor of Mr. Almarri's cell and threw things on top of it. Mr. Almarri's religious practices were also mocked with derogatory comments.
20. Mr. Almarri was denied copies of all other religious texts besides the Quran. He was also denied a prayer rug; denied a cover for his head for use during prayer; denied water to purify himself before prayer; and denied contact with an Imam (or Muslim cleric). When Mr. Almarri attempted to use his shirt as a head cover during prayer, his shirt was taken away as punishment.
21. In addition, Mr. Almarri was not told the direction of Mecca (where Muslims must face while praying) nor was he provided with a prayer schedule, clock or watch. As a result, Mr. Almarri was never sure which way to face when praying or when to pray, which Muslims must do five times per day.
22. Mr. Almarri frequently expressed his feelings of helplessness, frustration, and despair about being prevented from practicing his religion and seeing his religion degraded.
23. Mr. Almarri was repeatedly interrogated before October 2004. During interrogations, Mr. Almarri was forced to remain in painful stress positions, subjected to extreme sensory deprivation, and exposed to extremely cold temperatures for long periods of time.
24. For periods as long as eight days, Mr. Almarri would be placed in a completely bare and cold cell for refusing to answer questions. When Mr. Almarri asked for extra clothing or a blanket because he was freezing, his requests were denied.
25. Mr. Almarri was also threatened during interrogations. Interrogators said they were going to send Mr. Almarri to Egypt or to Saudi Arabia where they would torture and sodomize him and rape his wife in front of him.
26. Interrogators also falsely told Mr. Almarri that four of his brothers and his father were in jail because of him, and promised that they would all be released if he "cooperated" and provided information.
27. In addition, interrogators told Mr. Almarri that they could plant a false story about his escape in the news and then make him disappear so no one knew where he was. They told him the U.S. had made prisoners disappear before and would do so again if he refused to provide information.

28. These threats terrified Mr. Almarri. He feared that the United States had harmed his wife and his children, and was unable to talk to them to find out if they were safe.
29. On several occasions interrogators stuffed Mr. Almarri's mouth with cloth and covered his mouth with heavy duct tape. The tape caused Mr. Almarri serious pain. One time, when he managed to loosen the tape with his mouth, interrogators re-taped it even more tightly. Mr. Almarri started to choke until a panicked FBI or DIA agent in the room removed the tape.
30. Mr. Almarri was denied basic hygienic products, including a toothbrush, toothpaste, soap, toilet paper, and clean clothes.
31. The supply of water to Mr. Almarri's cell was also cut off, sometimes for more than three weeks at a time. During those times, Mr. Almarri could not flush his toilet or wash himself after defecating. When Mr. Almarri wanted water to drink or to wash, he had to press a buzzer in order to call the Brig staff. Often he would have to wait for several hours before any water would be given to him.
32. Mr. Almarri remained under personal and/or video surveillance 24 hours a day, seven days a week, including while using the toilet in his cell or showering.
33. Mr. Almarri has been told that there are cabinets full of tapes of recordings of his confinement at the Brig.

Observations of Mr. Almarri's Mental and Physical State before August 2005

34. My first meeting with Mr. Almarri in the SHU occurred in October 2004. Our early meetings were tightly controlled by the Defense Intelligence Agency, which remained in the room during the entire meeting. These meetings all took place in a non-contact visitation room, and were video and audio recorded. The meetings were conducted through security glass, and I was not permitted to take notes.
35. Throughout these meetings, Mr. Almarri remained handcuffed and shackled around both his stomach and legs, and one chain was attached to the floor so that he could not move his legs at all, preventing him from even bending his knees. The visits were time-restricted. I was debriefed by the Defense Intelligence Agency following my visit with Mr. Almarri.
36. After several visits, Brig personnel began to allow me and Mr. Almarri's other counsel to meet with Mr. Almarri privately and to take notes during our meetings. Those meetings, however, remained subject to continuous audio and video surveillance.
37. During these early encounters, Mr. Almarri told me he was having a difficult time maintaining his grip on reality. He said that he would become angry for no apparent reason and was unable to control his temper, which had never been a problem for him

before he was brought to the Brig, including when he was incarcerated as a material witness and criminal defendant from December 2001 to June 2003.

38. Virtually every aspect of Mr. Almarri's physical environment caused him disorientation, isolation, discomfort, and sometimes pain.
39. When Mr. Almarri was forced to endure wide fluctuations in temperature, including periods when his cell was kept extremely cold. His sleep was continually disrupted, including by guards' banging on the walls and bars of his cell or by opening and shutting doors to empty cells adjacent to his cell.
40. Mr. Almarri frequently complained that noxious odors were being introduced into his cell, which Mr. Almarri compared at various times to car exhaust or sewage.
41. When Mr. Almarri focused his attention on these noxious odors in conversation, they would dominate his thoughts. He would speak about it incessantly in our communications, often preventing us from getting to work on his case. He also began stuffing his vents with food to try to block the smell, which led to his being declared "noncompliant" and punished by the Brig staff.
42. Mr. Almarri also became very disturbed by a portable industrial fan that had been placed near the door of his cell and that remained on 24 hours a day, seven days a week. The fan served no purpose for "moving" air for the benefit of Mr. Almarri. Mr. Almarri said that the speed of the fan—and thus the volume of the sound to which Mr. Almarri was subjected—was randomly adjusted from high to low. Mr. Almarri said that the fan made it difficult for him to think or to sleep. The air would not circulate any differently. Only the pitch of the sound would change.
43. Mr. Almarri also described his vision as "flickering." He said he would see white spots in front of him, and that he would see things out of the corner of his eye that were not there.
44. Mr. Almarri frequently complained to Brig staff about his treatment and conditions. He filled out complaint forms (or "chits"), often several times a day. His complaints and requests were routinely denied or ignored.
45. As a result of his oppressive conditions of confinement and mistreatment, Mr. Almarri's mental and physical health became progressively worse.
46. By early 2005, Mr. Almarri told me he thought he was losing his mind.
47. On several occasions during that winter and spring, Mr. Almarri spoke of possible imminent death. He said that he did not know how much longer he could take his current situation and feared that something bad was going to happen to him at any time.

Improvement in the Conditions of Confinement after August 2005

48. In August 2005, Mr. Almarri filed a lawsuit challenging his mistreatment and conditions of confinement at the Brig.
49. After the lawsuit was filed, restrictions on Mr. Almarri grew less severe and his conditions gradually began to improve.
50. Mr. Almarri was given a mattress for his cell that he could use during the day. He was allowed daily outdoor recreation and was eventually given access to exercise equipment in the cellblock. Mr. Almarri was also allowed some access to books and newspapers, though that access was heavily restricted. Eventually, he was permitted to construct a makeshift privacy screen around his toilet so he is no longer observed by Brig personnel while showering or going to the toilet. And recently, he was allowed a computer.
51. Restrictions on Mr. Almarri's religious practice began to lift. For example, he was permitted to have a watch and permitted to have a prayer schedule so that he could conduct his daily prayers properly.
52. Mr. Almarri's attorneys were permitted to bring him food and occasionally attorney visits were allowed to be held outdoors. I began to receive regular briefings about Mr. Almarri from Brig personnel whenever I visited the Brig.
53. After August 2005, there was a gradual improvement in the interaction between the Brig staff and Mr. Almarri. Members of the Brig staff helped implement measures to mitigate the harsh effects of Mr. Almarri's complete isolation and other conditions of confinement.

Limits of Post-August 2005 Improvements

54. Despite improvements in the physical conditions of his confinement since August 2005, Mr. Almarri remains completely isolated and is deprived of virtually all human contact. He is the only person housed in the cellblock in which he resides. He remains alone day after day after day, as he has been for his almost five years at the Brig.
55. Mr. Almarri's only contact with non-military personnel is with my assistant Cheryl Savage, my co-counsel in New York, Jonathan Hafetz, representatives from the ICRC, and me. Ms. Savage and I see Mr. Almarri approximately once every six weeks and are allowed telephone contact. Mr. Hafetz speaks with Mr. Almarri by telephone approximately once a week and sees him about once every four months. The ICRC representative sees Mr. Almarri approximately once every three months. This is the entire extent of his contact with the world outside the Brig.
56. The restrictions on Mr. Almarri's contact with his family have not changed materially since he was first incarcerated in the Brig in June 2003. Mr. Almarri's family has not been allowed to visit or speak with him, and aside from one video and a few photocopied photographs of his family, Mr. Almarri has been denied any other visual or audio contact with members of his family, including his parents, his five children, and his wife.

57. Letters to and from Mr. Almarri's family continue to be subject to extraordinary delays due to the government's screening/review process, which takes place at Guantanamo. For example, on December 6, 2007, Mr. Almarri received a package of a few letters from his family members that had been mailed 21 months earlier. Those letters were collected from his wife, children, siblings, and cousins, and sent together in March 2006. They were not approved by the United States at Guantanamo until October 22, 2007, 19 months later. Mr. Almarri did not receive the letters until December 6, 2007, approximately six weeks after they had been approved. On July 30, 2007, Mr. Almarri's wife and 12-year old daughter each sent him a letter. Mr. Almarri did not receive the letter for more than four months due to government's review/screening process. And, a one-page letter Mr. Almarri sent his wife six months ago is still being reviewed by the government.
58. Other correspondence from Mr. Almarri's family suffers from lengthy delays. On or around April 5, 2007, we received a DVD from Mr. Almarri's family containing images of his wife and children and personal family news to help mitigate Mr. Almarri's loneliness and isolation. The government took five months to review the DVD, which Mr. Almarri did not receive until on or around September 6, 2007. We recently received another DVD from Mr. Almarri's family and submitted it to the government for review on or around February 11, 2008. At the current rate, Mr. Almarri will not receive the DVD until the middle of July.
59. Brig staff have suggested that Mr. Almarri's family mail be reviewed in Norfolk, Virginia, rather than being sent to Guantánamo, where it is reviewed now. But the Defense Department has refused.
60. Mr. Almarri was recently informed that he would be permitted one phone call with his family every six months if the calls were made from a U.S. embassy in Saudi Arabia, the country in which his family now resides. However, the nearest embassy to his family is located in Riyadh, approximately 175 miles from Mr. Almarri's family's residence in Hofuf. Mr. Almarri's father (aged 85) and mother (aged 75) are unable to travel to Riyadh safely due to their failing health. The government has refused Mr. Almarri's request to make alternative arrangements, including placing the call, which would be monitored, from the offices of the International Federation of the Red Crescent. The Red Crescent has said that it could verify the identity of the family members. Staff members of the Brig have indicated that accommodating Mr. Almarri's request for regular telephone calls with immediate family members from those family members' home in Saudi Arabia calls would have a minimum impact from a financial, operational, or security perspective.
61. Although Mr. Almarri is now given regular outdoor recreation and fitness equipment, he still remains completely alone when he exercises, as he does at all other times of day.
62. Mr. Almarri remains under personal or video surveillance 24 hours a day, seven days a week except when visiting with counsel or the International Committee for the Red Cross.

63. The newspapers Mr. Almarri receives are heavily redacted, and he is not permitted to watch any news programs. These restrictions increase Mr. Almarri's feelings of isolation from the world.
64. Mr. Almarri's access to books is also restricted. Any book he requests is subject to a review process that can take more than six months to complete. There do not appear to be any standards or guidelines governing this process, and books are denied arbitrarily and without explanation. Recently, for example, Mr. Almarri was denied access to books on Islam written more than five centuries ago, including an Arabic-Arabic dictionary used for explaining different meanings in Hadith, the oral traditions relating to the words and deeds of the Islamic prophet Mohammed, which are the second source of Islamic jurisprudence and practice after the Quran.
65. Moreover, improvements in Mr. Almarri's conditions of confinement fluctuate depending on discretionary decisions by the government.
66. After almost five years, there are still no rules or regulations that govern Mr. Almarri's conditions and treatment at the Brig.
67. Everything Mr. Almarri is allowed to receive or to do is literally considered a "privilege" that can be withdrawn or taken away at will.
68. On numerous occasions since August 2005, many of these "privileges" have been taken away, sometimes for extended periods of time, because of Mr. Almarri's so-called "non-compliance." For example, Mr. Almarri has been denied access to books and newspapers, denied recreation, and locked down in his cell. His doctor-recommended mattress and cushion have both taken away. And he has been denied access to his legal materials.
69. The absence of fixed rules and the discretionary nature of decisions that govern everything in his life, along with his prolonged and complete social isolation, have increased Mr. Almarri's feelings of hopelessness, despair, and utter vulnerability.

Observations of Mr. Almarri's Mental State Since August 2005

70. After conditions began to improve in August 2005, Mr. Almarri's mental and physical condition began to improve as well.
71. Mr. Almarri's sleep cycle returned to normal, his interactions with Brig staff became more positive, and he stopped becoming fixated on aspects of his immediate environment, such as the noxious smells in his cell or the industrial fan outside his cell door.
72. Mr. Almarri's complaints about the tingling and pain in his back and legs became less frequent and severe.

73. Our visits with Mr. Almarri became more relaxed. Sometimes they were held outdoors. Mr. Almarri began to smile and laugh more, as he became more hopeful about his life. Communications became freer, and it became easier for us to focus on the issues in Mr. Almarri's case rather than on some aspect of his environment at the Brig.
74. However, nothing was done to address Mr. Almarri's isolation and, by the Spring-Summer of 2006, Mr. Almarri began to deteriorate again.
75. After the Summer of 2006, Mr. Almarri started become fixated on mundane aspects of his environment and daily life, just as he had before August 2005. He also became increasingly paranoid that Brig staff were intentionally manipulating his surroundings.
76. Typically, these fixations occur abruptly and last for weeks, if not several months. The fixations dominate his thinking and inevitably lead to his engaging in behavior that is noncompliant or harmful to his own physical and mental health, which are reminiscent of his behavior before August 2005. They also dominate our communications and interactions with him, often to the exclusion of our discussion of his legal case.
77. Mr. Almarri periodically becomes fixated on the surveillance camera in his cell. In October 2007, Mr. Almarri attempted to obscure the camera lens with a ball of bathroom tissue soaked in toilet water. Mr. Almarri had previously engaged in this behavior on a number of occasions prior to August 2005, causing the Brig to deem him "noncompliant" and to punish him. This behavior does not appear to be in response to any particular physical or mental mistreatment by the staff or any other provocation.
78. Also, within the last year, Mr. Almarri has developed an intense preoccupation with his food and its preparation. Before then, Mr. Almarri had never expressed concern about his food or any doubts regarding its Halal preparation that he follows as part of his religious observance. Although the galley food has not changed at all over time, Mr. Almarri has become increasingly worried that his food is deliberately being prepared in a manner inconsistent with his religious beliefs. When he becomes fixated on the food preparation, it will dominate his thoughts and our conversation with him, often to the exclusion of all other matters.
79. Mr. Almarri's fixation on food preparation has also affected his behavior. For example, twice within the last year, Mr. Almarri refused to eat the meals provided for him by the brig switching to an exclusive diet of military-issue Meals Ready to Eat ("MREs") for months because of his fears about food preparation. Mr. Almarri lost weight, had difficulty sleeping, lost color in his skin, and became increasingly irrational. During the Spring of 2007, Mr. Almarri subsisted on MREs for two-and-a-half months without eating anything else. Although his concerns subsided, they returned in the Fall of 2007, and became increasingly severe. Brig staff tried to allay his concerns by describing the food preparation. But Mr. Almarri remained distrustful of how they were preparing his food and once again refused to eat anything but MREs. On one occasion last month, Brig staff became so concerned about Mr. Almarri's increasing paranoia that they granted him an escorted tour of the kitchen at 2:00 AM in an effort to allay his concerns.

80. Mr. Almarri's behavioral shifts often appear to come out of the blue. In early November 2007, I contacted the Brig staff to check on Mr. Almarri's status before leaving the country on a two-week trip. Brig staff told me they were increasingly concerned about Mr. Almarri. I was advised that he was becoming more and more socially isolated, verbally belligerent, and non-cooperative in his interactions with Brig staff. I was also told his sleep was disrupted and that he was not eating galley meals. I requested and was granted permission to see Mr. Almarri on short notice. During my visit, Mr. Almarri seemed happy to see me and we had a pleasant interaction. We talked about his family, life at home, daily routine at the Brig, and other matters. After I left, however, Mr. Almarri wrote me a letter saying he knew that the government was using me as a tool, that they had sent me to manipulate him. This was the first and only time he has expressed suspicion about my relationship to him.
81. I have also noticed how Mr. Almarri becomes fixated on other mundane things, such as a particular book that he wants or a particular Brig staff member who he alleges is mistreating or insulting him. This type of behavior had occurred a number of times before August 2005, and started occurring again with increasing frequency in the Summer of 2007. It inevitably disrupts Mr. Almarri's thoughts and pattern of conversation. We will spend almost an entire visit discussing the issue that is troubling him, making it difficult to discuss matters relevant to his case. During these times, it becomes extremely difficult to break Mr. Almarri's thought pattern and direct his attention elsewhere.
82. Since the Summer of 2006, Mr. Almarri's sleep cycle has again become erratic, as it was before August 2005. He often sleeps in the daytime, including during his recreation period, and refuses to leave his bed. In October and November of 2007, Mr. Almarri had difficulty sleeping at night and would sleep past noon the next day. In the Summer of 2006, his sleeping pattern became so disturbed that some days he would go to sleep at 7:00 AM, other days at 12 PM, and sometimes at 5 PM.
83. Mr. Almarri's tingling and pain tend to increase during times when he has difficulty sleeping, is troubled by the food preparation, or is fixated on some other aspect of his environment. In the Fall of 2007, Mr. Almarri complained that his tingling sensation and pain had become so severe that he would try to "drive himself to exhaustion" so that he could finally fall asleep, which often did not happen until the early hours of the morning.
84. Mr. Almarri also has become focused on the noise from the fluorescent light in his cell block. In December 2007, he started describing a persistent buzzing noise emanating from the light which he says he cannot get out of his head and which makes it difficult to read or concentrate. He complained to Brig staff about the buzzing. Staff examined the light, and told him there was no problem with it. But Mr. Almarri continues to hear the buzzing.
85. Mr. Almarri has started suffering from severe headaches everyday, and has become increasingly fixated on the most mundane aspects of his surroundings. Recently, for example, he has become preoccupied with the fact that his sink is not draining well and

that the mirror on his cell wall was slightly crooked. Mr. Almarri suggested that staff deliberately created problems with the sink and the mirror "to play games" with him. When Mr. Hafetz and I try to point out that the staff have tried to respond to his concerns, we get the sense that Mr. Almarri suspects that we are on their side and part of a general plot to play with his mind.

86. Recently, the government has said Mr. Almarri will be allowed one telephone call every six months with his family. Mr. Almarri, who has longed to speak to his parents, five children, and wife, suddenly expressed a reluctance to speak with his closest family members. He never expressed this reluctance before, and it was very alarming to me. When I asked him about it, Mr. Almarri said he feared that the pain of his isolation might be redoubled by this brief and fleeting contact.

87. Mr. Almarri has repeatedly told me how difficult it is to be imprisoned alone and without any sense of when, if ever, he will be released. He has said that he wants to return to Qatar or Saudi Arabia, even if it meant being beaten or tortured because at least the uncertainty and indefiniteness of his current situation would end. He says he tries to live day to day but cannot block the terrifying thought from his mind that he may spend years, even decades, alone.

I hereby certify that the following statements made by me are true. I am aware that if any of the statements made by me are willfully false I am subject to punishment

REDACTED

ANDREW J. SAVAGE, III

Dated: Charleston, South Carolina
March 10, 2008